

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

FRANCISCO CARDENAS-  
MORFIN,

Defendant.

NO. CR-06-6028-RHW

**ORDER GRANTING THE  
GOVERNMENT'S MOTION FOR  
ORDER DISMISSING  
INDICTMENT**

Before the Court is the Government's Motion for Order Dismissing Indictment (Ct. Rec. 30). The motion was heard without oral argument.

The Government believes that the Defendant is subject to prosecution under 8 U.S.C. Section 1326, but the Defendant raised several valid issues and concerns about the process, which have been considered in determining the proper course of action to be taken in connection with this matter. The Government is of the opinion that the interest of justice is best served by a dismissal of the Indictment, pursuant to Fed. R. Crim. P. 48(a).

Accordingly, **IT IS HEREBY ORDERED:**

1. The Government's Motion for Order Dismissing Indictment (Ct. Rec. 30) is **GRANTED**.

2. The Indictment in the above-captioned case is **dismissed**, with prejudice.

3. Defendant's Motion to Dismiss (Ct. Rec. 25) is **DENIED**, as moot.

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**ORDER GRANTING THE GOVERNMENT'S MOTION FOR ORDER  
DISMISSING INDICTMENT ~ 1**

1       **IT IS SO ORDERED.** The District Court Executive is directed to enter this  
2 Order, forward copies to counsel, and **close the file.**

3       **DATED** this 3<sup>rd</sup> day of August, 2006.

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5                               *s/ Robert H. Whaley*

6                               **ROBERT H. WHALEY**  
7                               Chief United States District Judge

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